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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Denmark*

A. Purpose and general obligations (arts. 1–4)

1. Please explain why the State party relies on the Standard Rules definition of persons with disability and how the State party has integrated the concept of disability of article 1 of the Convention.

2. Please explain how the Convention affects the national legislation and policies of Denmark, including those of the Faroe Islands and Greenland. Please provide information on the implementation of the Danish disability policy and on affirmative actions that have been taken for the implementation of the compensation principle.

3. Please provide updated information on the implementation of the recently launched long-term multidisciplinary action plan in the area of disability. Please also provide information on how persons with disabilities, through their representative organizations, are involved in the development, implementation and evaluation of this plan, and of other policies and legislation concerning persons with disabilities.

B. Specific rights (arts. 5 and 8–30)

Equality and non-discrimination (art. 5)

4. Please inform the Committee when the State party will enact comprehensive disability anti-discrimination legislation to apply beyond the area of the labour market, where the concept of reasonable accommodation operates.

Women with disabilities (art. 6)

5. Please provide concrete information on how a gender perspective is being mainstreamed into the public policies relating to persons with disabilities and how a disability perspective is being mainstreamed into law and policy promoting gender equality.

6. Please provide information on measures taken to combat violence against women and girls with disabilities, and on measures taken to increase their opportunities for education and employment.

* Adopted by the pre-sessional working group at its first session (14–17 April 2014).

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Children with disabilities (art. 7)

7. Please provide concrete information on the children's initiatives mentioned in paragraph 354 of the State party's report, and please indicate whether such initiatives guarantee full respect for the views of children with disabilities in accordance with the Convention.

Awareness-raising (art. 8)

8. Please provide concrete information on the awareness-raising activities that have been carried out by the Danish Disability Council in order to inform and educate persons with disabilities and the public at large on the Convention. Please indicate whether relevant awareness-raising material and legislation related to disability rights and non-discrimination have been made available in accessible versions.

Accessibility (art. 9)

9. Please indicate whether there is a comprehensive national plan of action on accessibility which covers all groups of impairments and includes plans for introducing new binding regulations and legislation in Denmark, the Faroe Islands and Greenland.

Situations of risk and humanitarian emergencies (art. 11)

10. Please provide additional information on how the Strategy for Danish Humanitarian Action 2010–2015 includes persons with disabilities as well as specific alert systems and protocols for guaranteeing the security and protection of persons with disabilities in emergency situations.

Equal recognition before the law (art. 12)

11. Please provide further information on the actions taken to amend the Legal Incapacity and Guardianship Act in accordance with article 12 of the Convention, as well as on measures that have been taken to replace the substituted decision-making model (guardianship) with the supported decision-making model in the exercise of legal capacity.

Access to justice (art. 13)

12. Please provide information on training and awareness-raising activities that have been carried out for judges and law enforcement officers, in relation to the rights of persons with disabilities and the Convention. Please also explain how persons with disabilities and their organizations are involved in the planning and conducting of these trainings.

Liberty and security of the person (art. 14)

13. Please provide information on measures taken to amend the legislation concerning the hospitalization and treatment of persons with "mental health impairments" under the Psychiatry Act.

14. Please provide information on the general directives and norms ensuring that persons with disabilities who are deprived of their liberty following a judicial proceeding are provided with reasonable accommodation. Please explain whether persons with psychosocial disabilities can be deprived of their liberty for reasons other than a criminal procedure.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. Please provide information on measures taken to prevent the use of chemical, physical and mechanical restraints of persons in psychiatric care, and the forcible treatment of such persons.

Freedom from exploitation, violence and abuse (art. 16)

16. Please indicate the number of complaints that have been received and the relevant decisions that have been adopted concerning violence against and exploitation or abuse of persons with disabilities, disaggregated by age and gender.

17. Please provide information on specific measures that have been taken to protect persons with disabilities, especially women and girls with disabilities, from all forms of exploitation, violence and abuse, as well as on measures that have been taken to ensure that persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social integration services and programmes.

18. Please explain under what exceptional circumstances force may be used on persons with "significant and lasting impaired mental functional capacity". Are these circumstances compatible with article 16 of the Convention?

Protecting the integrity of the person (art. 17)

19. Please indicate the measures that have been taken to prevent the forced sterilization of persons with disabilities, especially women and girls.

Liberty of movement and nationality (art. 18)

20. Please provide information on the implementation of the naturalization law and on how decisions are taken to allow exemptions on the grounds of disability, for Danish language and the special naturalization test.

Living independently and being included in the community (art. 19)

21. Please provide data on the percentage of persons with disabilities living in institutions and on how many of them are confined involuntarily.

22. Please provide information on the implementation of the Social Services Act at the national and local levels, and provide concrete examples of the support provided to persons with disabilities to live independently and in a way whereby they are included in the community.

23. Please provide information as to why there is no legal remedy for persons who receive less than nine hours for personal assistance per week, in case they may have a complaint.

Freedom of expression and opinion, and access to information (art. 21)

24. Please provide information on steps that have been taken to officially recognize Danish sign language as an official language.

Respect for privacy (art. 22)

25. Please provide information on measures taken to prohibit practices of the exchange of confidential information without the individual's consent which is permitted under the Psychiatric Act, and to ensure respect for the privacy of persons with psychosocial disabilities.

Respect for home and the family (art. 23)

26. Please provide additional information on the implementation of the Formation and Dissolution of Marriage Act. Please indicate what means are available to challenge a decision when the guardian and the chairperson of the local council refuse to authorize the marriage of a person under guardianship.

27. Please provide information on measures to support the parents of children with disabilities and to prevent children with disabilities from being separated from their families and placed in alternative care.

Education (art. 24)

28. Please explain what training is undertaken by teachers in order to enable them to put in place an inclusive education system.

29. What steps are being taken to lessen the high dropout level of children with disabilities from the education system of Denmark, including the Faroe Islands and Greenland?

30. Please provide information on Danish sign language and on whether deaf persons have the opportunity to choose whether they want to be educated in sign language or by another means of communication.

31. Please provide information on how an inclusive education system is guaranteed on an equal basis across all municipalities, including in the Faroe Islands and Greenland.

Work and employment (art. 27)

32. Please provide information regarding the reasons for the decline in the percentage of persons with disabilities working in the open labour market. Please also provide information on initiatives being taken by the State party to reverse this trend and to significantly increase, as soon as possible, the percentage of persons with disabilities working in the open labour market.

Adequate standard of living and social protection (art. 28)

33. Please provide information on the early retirement reform which may preclude persons with disabilities under the age of 40 from having access to disability pensions. Please provide information on the measures adopted to grant non-contributory pensions to persons with disabilities, including those who need more intensive support.

Participation in political and public life (art. 29)

34. Please provide further information on the implementation of the new rules on assistance with voting under the Parliamentary Elections Act and the Local and Regional Government Elections Act. Please indicate whether these rules allow persons with disabilities, especially persons with intellectual or psychological disabilities, to exercise their right to vote and participate in political life.

C. Specific obligations

Statistics and data collection (art. 31)

35. Please provide information on the implementation of the documentation project to improve the collection of social statistics, and on how the Convention's concept of disability is integrated into the data collection system. Please also provide information on whether indicators and benchmarks have been developed to assess the impact and results of

the public policies designed for the implementation of the Convention. Please provide information on the data collection system in the Faroe Islands and Greenland.

International cooperation (art. 32)

36. Please provide information on the initiatives that have been taken to ensure the mainstreaming of disability into all areas of international cooperation, regardless of the origin of the actor, and particularly on the projects related to the Danish development policy.

National implementation and monitoring (art. 33)

37. Please provide additional information on the composition and functions of the Interministerial Committee of Civil Servants on Disability Matters. Please also explain how the Committee interacts with persons with disabilities and their representative organizations, as well as with authorities and organizations in the Faroe Islands and Greenland. Please indicate when the Faroe Islands will have a similar arrangement as that which exists in Denmark and Greenland.